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EX(1) of Election/Amendment

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Remacle et al.	)	Group Art Unit 1634
Appl. No.	:	09/582,817	)	
Filed	:	November 8, 2000	)	
For	:	METHOD COMPRISING CAPTURE MOLECULE FIXED ON A DISC SURFACE	)	
Examiner	:	Sisson, B.	)	

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RESPONSE TO RESTRICTION REQUIREMENT and SUPPLEMENTAL  
PRELIMINARY AMENDMENT

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed from the United States Patent and Trademark Office on March 21, 2002 (Paper No. 9), please consider and enter the following:

**I. Response to Restriction Requirement**

In response to the Restriction Requirement mailed from the United States Patent and Trademark Office on March 21, 2002, Applicants hereby elect the claims of Group I, consisting of Claims 30-48, drawn to a method of detecting a target molecule, for examination. This election is made without traverse.

By choosing Group I, Applicant was further required under 35 U.S.C. § 121 and 372 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. For Group I, election of one of the following distinct species was required: nucleotides (Claim 31) or antigen-antibody pairs (Claim 32). Applicants respectfully note that Claim 32, which relates to receptors and ligand pairs was not addressed by the Examiner. Applicants hereby elect the species in which the capture and target molecules are nucleotide sequences for initial examination.

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It is understood that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Under this requirement, Applicants were advised that they must not only include an election of species but identify all claims readable on the elected species, including any claims subsequently added. Based on the election of species, Applicants provide that for Group I, Claims 30 and 34-48 are readable on the elected species.

## **II. Preliminary Amendment:**

Prior to examination on the merits, please amend the above-referenced application as follows:

### **IN THE SPECIFICATION:**

**On page 1, immediately following the Title of the Invention, please add the following heading and paragraph:**

#### Related Applications

31 This is the U.S. National Phase under 35 U.S.C. § 371 of International Application No. PCT/BE98/00206, filed December 24, 1998 and published in English, which claims priority to United States Provisional Application Serial No. 60/071,726, filed December 30, 1997.

**On page 5, beginning at line 15, please amend the paragraph as follows:**

B2 The definition of a "disc" includes any solid support such as a CD or a "DVD" which comprises data that can be read by a CD-reading device (by penetration and reflection of a laser beam).

### **IN THE CLAIMS:**

**Please amend Claims 32 and 46 as follows:**

B3 32. (Amended) The method according to Claim 30, wherein the capture and target molecules are antigen-antibody pairs.

B4 46. (Amended) The method of claim 30, wherein the disc is a compact-disc or a DVD.

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### CONCLUSION

Applicants have amended the specification to include priority claims to related applications and to correct a minor typographical error. Claims 32 and 46 have been amended herein. Support for the amendment to Claim 46 is found in the specification as filed on page 5, lines 15-18 and page 11, lines 26 to 29. Claim 32 has been amended to include a hyphen between the word "antigen" and the word "antibody."

The changes made to specification and claims by the current amendment, including insertions and [deletions], are shown on an attached sheet entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this amendment. No new matter has been added herewith.

The Applicant submits that the above election of Group I, the election of nucleotides as the species, and claim amendments, now place the application in condition for allowance. Should the Examiner have any questions regarding this matter he is invited to telephone the undersigned so that the questions may be resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 20, 2000

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